



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

August 2, 2019

In Reply Refer To: 001B
FOIA Request: 18-10575-F

Via Email: 58683-71568712@requests.muckrock.com

MuckRock News
DEPT MR 58683
411A Highland Avenue
Somerville, MA 02144-2516

Dear Mr. Craven:

This is the Initial Agency Decision (IAD) to your July 25, 2018, Freedom of Information Act (FOIA) request to the U.S. Department of Veterans Affairs (VA) FOIA Service. You requested a copy of "All e-mail correspondence from Jake Leinenkugel between July 15-July 30 concerning the COVER Commission, which he chairs."

Your request was received by the VA FOIA Service on July 26, 2018 and assigned FOIA tracking number **18-10575-F**. On August 1, 2018, the VA FOIA Service referred your request to the Office of the Secretary VA (OSVA). The OSVA received your request on August 1, 2018.

We obtained Thomas Jacob Leinenkugel's mailbox from the VA Office of Information & Technology and on June 7, 2019, we searched that mailbox for records responsive to your request. Per your request, we used the key terms "cover," "mental health," "treatment," "private," "plan," and "PTSD." Our search was limited to the timeframe of July 15, 2018 through July 30, 2018.

Our search for records located 261 pages of responsive records. Of those pages, I determined that 163 pages are releasable in their entirety, 97 pages are partially releasable, and 1 page is withheld in their entirety pursuant to Title 5 U.S.C. § 552(b)(6), FOIA Exemption 6.

FOIA Exemption 6 exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test. Specifically, the information being withheld, as indicated on the enclosed documents, under FOIA Exemption 6, consists of names, identities, email addresses, and phone numbers of federal employees and private citizens; we however release the names and VA email addresses of VA Senior Executives. Federal civilian employees and private citizens retain a significant privacy interest under certain circumstances, such as in instances where the release of their information could represent a threat to their well-being, harassment, or their ability to function within their sphere of employment. The federal civilian employees and private citizens whose information is at issue have a substantial privacy interest in their personal information. In weighing the private versus the public interest, except names and VA email addresses of VA Senior Executives, we find that there is no public interest

in knowing the names, identities, email addresses, VA usernames, phone numbers, cellular numbers, and facsimile numbers of federal civilian employees and private citizens. The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the records, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest of the individuals whose names are redacted. The protected information has been redacted and (b)(6) inserted. "Withholding a telephone number or e-mail address, alone, is not sufficient to protect that [privacy] interest; alternate means of contacting and harassing these employees would be readily discoverable on the Internet if this court ordered their names disclosed." Long v. Immigration & Customs Enf't, 2017 U.S. Dist. LEXIS 160719 (D.C. Cir. 2017).

FOIA Mediation

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016, the following contact information is provided to assist FOIA requesters in resolving disputes:

VA Central Office FOIA Public Liaison:

Name: Doloras Johnson
Email Address: vacofoiaservice@va.gov

Office of Government Information Services (OGIS)

Email Address: ogis@nara.gov
Fax: 202-741-5769
Mailing address:
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

FOIA Appeal

Please be advised that should you desire to do so, you may appeal the determination made in this response to:

Office of General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Mr. Jasper Craven
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Sincerely,

Ruthann Parise
OSVA FOIA Officer

Enclosure: 261 pages responsive records